Contract of Hiring for Indefinite Period—Thullen v. Triumph Electric Co., 227 Fed. 837.—In this case the court in laying down the law governing contracts of hiring for indefinite periods, used the following language:

"The authorities show some difference of opinion concerning the method of stating the American rule that governs a contract of hiring for an indefinite period. The subject is discussed in Wood, Master and Servant (2d Ed.), § 136, and in the note to Warden *v.* Hinds, 25 L. R. A. (N. S.) 529. Numerous cases are collected also in 26 Cyc. at page 974, where we think the situation is accurately presented:

'In the United States a general or indefinite hiring is presumed to be a hiring at will, in the absence of evidence of custom or of facts and circumstances showing a contrary intention on the part of the parties. While it is generally held that the fact of a hiring at so much per day, week, month, quarter, or year raises no presumption that the hiring was for such a period, but only at the rate fixed for whatever time the party may serve, yet the rate and mode of payment are often determinative of the period of service, and in some cases it has been held that they raise a presumption as to the period of service.'

The rule in Pennsylvania has been referred to in the very recent case of Hogle *v.* De Long Co., 248 Pa. 471, 94 Atl. 190:

'In a contract of hiring, when no definite period is expressed, in the absence of facts and circumstances showing a different intention, the law will presume a hiring at will. The fact that the hiring is at so much per week, or month, or year, will raise no presumption that the hiring was for such period. Weidman *v.* United Cigar Stores Co., 223 Pa. 160 [72 Atl. 377, 132 Am. St. Rep. 727]. This is a statement of a general rule, so widely recognized that this is said of it by Labatt in his work on Master and Servant, in section 160: "A preponderance of American authority in favor of the doctrine that an indefinite hiring is presumptively a hiring at will is so great that it is now scarcely open to criticism."' "

National Banks as Executor or Administrator—Subsequent State Legislation—In re Woodbury (N. H.), 96 Atl. 300.—Though Federal Reserve Act, § 11k, authorizing the reserve board to grant special permits to national banks to act as administrator, was enacted prior to a state law, prohibiting the appointment of a bank as administrator, etc., the prohibition of the latter statute, operating upon the power of the probate court to make the appointment, is nevertheless effective. The court in this case said: "Assuming, but not deciding, they have had that authority, it is clear that the language of the Reserve Act does not lead to the conclusion that the Legislature of this state could not subsequently provide that national banks should not

act as administrators, or that the probate courts should not subsequently appoint them to such positions. The power of the state over the probate courts is exclusive, and they have such powers and only such as the Legislature gives them. The act of Congress was not an attempt to invest probate courts with a power of appointment they did not possess before, but it was an authorization to national banks to accept appointments when the probate courts were authorized to make them. As those courts cannot now make such appointments, it necessarily follows that national banks cannot be appointed. They have no vested right to exercise that trust, and can only enjoy the privilege when the appointing power is authorized to appoint them."

Corporations; Rights of Minority Stockholders. — Heublin v. Wright, 227 Fed. 667.—In this case it was held that while in general a court is without authority to interfere with the management of the business of a corporation by a majority of its stockholders, yet their action in a matter in which their personal interests are opposed to the interests of the corporation is subject to review by the courts at the instance of minority stockholders. In the case before the court it appeared that the president, secretary-treasurer and a selling agent of the corporation, who were all members of the same family, owned a majority of the stock, and constituted a majority of the board of directors. The plaintiff was the owner of about one-third of the stock of the corporation. It was held that he was entitled to relief against the action of the defendants, as officers and directors of the corporation, in fixing their own salaries as officers at amounts which were unreasonably high, in view of the business and earnings of the corporation, and largely in excess of the value of the services rendered to the corporation; and this, although the same salaries had been in effect for a number of years, during the time when the business was more prosperous.

Constitutional Law—Class Legislation.—Laws (N. H.) 1915, c. 109, § 34, providing that no trust company, banking company, or similar corporation shall hereafter be appointed administrator of an estate, executor under a will, or guardian or conservator of the person or property of another, is not unconstitutional as class legislation, since it is apparent that banks were not arbitrarily made a class for the purpose of discrimination.